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7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2010-248

12 **RENE JEAN JUMONVILLE**
69 Holden Street
13 Holden, Massachusetts 01520

ACCUSATION

14 Registered Nurse License No. 715463

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
21 of Consumer Affairs.

22 2. On or about November 9, 2007, the Board of Registered Nursing issued Registered
23 Nurse License Number 715463 to Rene Jean Jumonville (Respondent). The Registered Nurse
24 License was in full force and effect at all times relevant to the charges brought herein and will
25 expire on December 31, 2009, unless renewed.

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1 himself or herself, any other person, or the public or to the extent that such use impairs his or her
2 ability to conduct with safety to the public the practice authorized by his or her license.

3 "(c) Be convicted of a criminal offense involving the prescription, consumption, or
4 self-administration of any of the substances described in subdivisions (a) and (b) of this section,
5 or the possession of, or falsification of a record pertaining to, the substances described in
6 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
7 thereof."

8 8. Section 490 of the Code provides, in pertinent part, that a board may suspend or
9 revoke a license on the ground that the licensee has been convicted of a crime substantially
10 related to the qualifications, functions, or duties of the business or profession for which the
11 license was issued.

12 9. Title 16, California Code of Regulations, section 1444 states, in pertinent part:

13 "A conviction or act shall be considered to be substantially related to the qualifications,
14 functions or duties of a registered nurse if to a substantial degree it evidences the present or
15 potential unfitness of a registered nurse to practice in a manner consistent with the public health,
16 safety, or welfare. . . ."

17 10. Section 493 of the Code states:

18 "Notwithstanding any other provision of law, in a proceeding conducted by a board within
19 the department pursuant to law to deny an application for a license or to suspend or revoke a
20 license or otherwise take disciplinary action against a person who holds a license, upon the
21 ground that the applicant or the licensee has been convicted of a crime substantially related to the
22 qualifications, functions, and duties of the licensee in question, the record of conviction of the
23 crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact,
24 and the board may inquire into the circumstances surrounding the commission of the crime in
25 order to fix the degree of discipline or to determine if the conviction is substantially related to the
26 qualifications, functions, and duties of the licensee in question."

27 11. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
28 administrative law judge to direct a licensee found to have committed a violation or violations of

1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
2 enforcement of the case.

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Conviction of Substantially Related Crime)**

5 12. Respondent is subject to disciplinary action under Code sections 2761(f) and 490 in
6 that she was convicted of a crime substantially related to the duties, qualifications, and functions
7 of a registered nurse in that on or about May 20, 2008, in the Santa Clara County Superior Court,
8 Palo Alto Facility, Case No. EE706306, Respondent was convicted by guilty plea of violating
9 Vehicle Code section 23152(b) (driving while having a 0.08% or higher blood alcohol level).
10 Pursuant to said conviction, the imposition of sentence was suspended and Respondent was
11 placed on formal probation for 3 years on various terms and conditions, including making
12 restitution to the accident victim and serving 20 days in county jail. The factual circumstances
13 underlying the conviction are as follows:

14 a. On or about December 16, 2007, Respondent drove a vehicle while having a 0.08%
15 or higher blood alcohol level and ran a red light, which proximately caused injury to another
16 person, to wit: a passenger in her vehicle, who sustained severe head trauma with an acute
17 compression fracture to his cervical spine, as a result of a collision with another vehicle. Because
18 of the severity of the injury to her passenger, Respondent was initially criminally charged with
19 violation of Vehicle Code section 23153(b) (driving while having a 0.08% or higher blood
20 alcohol level and causing injury).

21 b. The results of a blood test sample showed Respondent's blood alcohol level at 0.23%
22 at the time of the collision.

23 c. Respondent was argumentative and belligerent and used profanity when dealing with
24 medical personnel providing assistance at the accident scene.

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1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Conviction of Crime Involving Alcohol)**

3 13. Paragraph 12 is herein incorporated by reference as though fully set forth.

4 14. Respondent is subject to disciplinary action under Code section 2761(a) on the
5 grounds of unprofessional conduct, as defined in Code section 2762(c), in that on or about May
6 20, 2008, Respondent was convicted of a crime involving the consumption of alcoholic
7 beverages, as set forth above in paragraph 12.

8 **THIRD CAUSE FOR DISCIPLINE**

9 **(Use of Alcohol to a Dangerous Extent)**

10 15. Paragraph 12 is herein incorporated by reference as though fully set forth.

11 16. Respondent is subject to disciplinary action under Code section 2761(a) on the
12 grounds of unprofessional conduct, as defined in Code section 2762(b), in that on or about
13 December 16, 2007, Respondent used alcoholic beverages to an extent dangerous or injurious to
14 herself and others, as set forth above in paragraph 12.

15 **PRAYER**

16 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
17 and that following the hearing, the Board of Registered Nursing issue a decision:

18 1. Revoking or suspending Registered Nurse License Number 715463, issued to Rene
19 Jean Jumonville;

20 2. Ordering Rene Jean Jumonville to pay the Board of Registered Nursing the
21 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
22 Professions Code section 125.3; and

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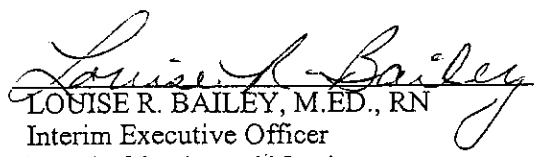
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3. Taking such other and further action as deemed necessary and proper.

DATED: 11/4/09



LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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